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EXAMINER

THEIN, MARIA TERESA T

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,487

Applicant(s)

BEZOS ET AL.

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-30,32-37 and 42-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30,32-37 and 42-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicants' "Amendment in Response to March 11, 2004 Office Action" filed on May 13, 2004 has been considered.

Claims 1-12, 38 and 39 have been cancelled. New claims 51-62 have been added. Claims 27-30, 32-37, and 42-62 are pending in this application.

Response to Arguments

Applicants' arguments with respect to claims 27-30, 32-37, and 42-62 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 44 is rejected under 35 U.S.C. 101 because it fails to recite **computer executable** instructions. The claims are directed to machine-**readable** medium. Giving the term its broadest reasonable interpretation, the claims are directed to a program per-se and a program instruction. Accordingly, the claim fails to recite a positive functional interrelationship between the medium and the activities recited. Please refer to MPEP 2106.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-30, 32-37, 42-57, and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 5,970,475 to Barnes et al in view of U.S. Patent No. 6,026,376 to Kenney.

Regarding claim 27, Barnes discloses an electronic catalog system (see at least col. 3, lines 52-59; col. 6, lines 54-65; col. 7, lines 36-45), comprising;

- an electronic catalog of products (see at least col. 3, lines 52-59; col. 6, lines 54-65; col. 7, lines 36-45); and
- a server system that provides online access to the electronic catalog of product and provides functionality for customers to purchase products from the electronic catalog (see at least col. 3, lines 52-59; col. 6, lines 54-65; col. 7, lines 36-45; col. 10, lines 33-50);
- wherein the server system is responsive to a request from a customer for a page from the electronic catalog, the page being a catalog page that provides a user option to select a product for purchase (see at least col. 19, lines 54-58; col. 23, lines 49-66).

However, Barnes does not disclose supplementing the page with information about a related order placed by the customer and whereby customers are presented with context-dependent information about related orders during browsing of the electronic catalog, the context-dependent information being displayed without requiring

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the customers to explicitly request order history information. Barnes discloses all users can view status and history of orders and generate reports (col. 9, lines 49-50).

Furthermore, Barnes discloses that it enables requisitioners to track the status of their orders at all times (see at least col. 24, lines 26-30).

Kenney, on the other hand, teaches the supplementing the page with information about a related order placed by the customer and whereby customers are presented with context-dependent information about related orders (see at least col. 3, line 62 - col. 4, line 24; col. 8, lines 34-40; col. 12, lines 50-54; col. 6, lines 34-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Barnes, to include the supplementing the page with information about a related order placed by the customer and whereby customers are presented with context-dependent information about related orders, as taught by Kenney, so as to make shopping more convenient to the shopper (Kenney col. 1, lines 39-40). Furthermore, it eases or enhances the shopping experience (Kenney col. 1, lines 60-62).

Furthermore, the combination of Barnes and Kenney does not explicitly disclose the context-dependent information about related order being displayed without requiring the customers to explicitly request order history information. It was known at the time of the invention that merely providing an automatic means of displaying the context-dependent information of the order history to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply

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displaying the context-dependent information without requiring the customer to explicitly request gives you just what you would expect from the manual step as shown in the combination of Barnes and Kenney. In other words there is no enhancement found in the claim recited. The end result is the same as compared to the manual activity.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to automatically display the context-dependent information without requiring the customer to explicitly request since it has generally been recognized that merely providing an automatic means to replace a manual activity which accomplishes the same request is not sufficient to distinguish over the prior art.

Regarding claims 28-30, Kenney teaches the server system is responsive to a request by the customer for a detail page of product by supplementing the detail page with information about a prior order placed by the customer for the product; the server system is responsive to a request by the customer for a detail page of a first product by supplementing the detail page with information about a prior order placed by the customer for a second product that is related to the first product; and the server system is responsive to a request by the customer for a category page associated with a particular product category by supplementing the category page with information about prior orders of products that fall within the product category (see at least col. 3, line 62 - col. 4, line 24; col. 8, lines 34-40; col. 12, lines 50-54; col. 6, lines 34-55).

Regarding claim 32, Barnes discloses a computer-implemented method of providing account-specific information to users of an online store, comprising:

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- providing online access to an electronic catalog of products in which users may navigate to product detail pages that display detailed information about specific products and provide controls for selecting such products for purchase (see at least col. 3, lines 52-59; col. 6, lines 54-65; col. 7, lines 36-45; col. 10, lines 33-50; col. 19, lines 54-58; col. 23, lines 49-66);
- maintaining user-specific order histories representing orders placed by users for products in the electronic catalog (see at least col.9, lines 49-50; col. 24, lines 26-34);

However, Barnes does not disclose the receiving a request from a user for a product detail page of a first product that was previously ordered by the user; and in response to the request, supplementing the product detail page with at least an indication that the user previously ordered the first product. Barnes discloses all users can view status and history of orders and generate reports (col. 9, lines 49-50). Furthermore, Barnes discloses that it enables requisitioners to track the status of their orders at all times (see at least col. 24, lines 26-30).

Kenney, on the other hand, teaches the receiving a request from a user for a product detail page of a first product that was previously ordered by the user; and in response to the request, supplementing the product detail page with at least an indication that the user previously ordered the first product (see at least col. 3, line 62 - col. 4, line 24; col. 8, lines 34-40; col. 12, lines 50-54; col. 6, lines 34-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Barnes, to include the receiving

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a request from a user for a product detail page of a first product that was previously ordered by the user; and in response to the request, supplementing the product detail page with at least an indication that the user previously ordered the first product, as taught by Kenney, so as to make shopping more convenient to the shopper (Kenney col. 1, lines 39-40). Furthermore, it eases or enhances the shopping experience (Kenney col. 1, lines 60-62).

Regarding claims 33, 35-36, Kenney teaches the supplementing the product detail page comprises displaying information within the product detail page about a current status of an order for the first product; the supplementing the product detail page further comprises presenting an option to the user to cancel or modify the order; and the supplementing the product detail page with information about an order placed by the customer for a second product that is related to the first product; and when the user accesses a category page associated with a category of the products in the electronic catalog, supplementing the category page with information about an order placed the user for a product that falls within the category (see at least col. 3, line 62 - col. 4, line 24; col. 8, lines 34-40; col. 12, lines 50-54; col. 6, lines 34-55).

Regarding claim 34, Barnes discloses the user to track shipment of the order (see at least col. 24, lines 29-30).

Regarding claim 37, Kenney teaches when the user accesses a category page associated with a category of the products in the electronic catalog, supplementing the category page with information about an order placed by the user for a product that falls within a category (see at least col. 3, lines 62-67; col. 4, lines 1-19; col. 8, lines 39-44).

Regarding claim 42, Barnes discloses account-specific information to users of an online store (see at least col. 4, lines 12-18; col. 6, lines 61-65; col. 19, lines 54-58)

Regarding claims 43, Kenney teaches a supplemented product detail page (see at least col.3, line 62 – col. 4, line 19)

Regarding claim 44, Barnes discloses a computer program with a computer readable medium (see at least col. 6, lines 6-32).

Regarding claim 45, the combination of Barnes and Kenney substantially discloses the claimed invention, however, the combination does not explicitly disclose the context-dependent information about related order being displayed without requiring the customers to explicitly request order history information. It was known at the time of the invention that merely providing an automatic means of displaying the context-dependent information of the order history to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply displaying the context-dependent information without requiring the customer to explicitly request gives you just what you would expect from the manual step as shown in the combination of Barnes and Kenney. In other words there is no enhancement found in the claim recited. The end result is the same as compared to the manual activity.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to automatically display the context-dependent information without requiring the customer to explicitly request since it has generally been recognized that

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merely providing an automatic means to replace a manual activity which accomplishes the same request is not sufficient to distinguish over the prior art.

Regarding claim 46, Barnes discloses an electronic catalog system (see at least col. 3, lines 52-59; col. 6, lines 54-65; col. 7, lines 36-45), comprising;

- an electronic catalog of products represented within a computer memory, the electronic catalog including product detail pages that provide information about specific products, and provide functionality for selecting such products for purchase (see at least col. 3, lines 52-59; col. 6, lines 54-65; col. 7, lines 36-45; col. 23, lines 52-60); and
- a server system that provides online access to the electronic catalog of product and provides functionality for customers to purchase products from the electronic catalog, the server system programmed to maintain order histories for users of the electronic catalog (see at least col. 3, lines 52-59; col. 6, lines 54-65; col. 7, lines 36-45; col. 10, lines 33-50);
- wherein the server system is responsive to a request from a user for a product detail page of the electronic catalog (see at least col. 19, lines 54-58; col. 23, lines 49-66).

The phrase “if the user placed such a related order”, the language does not move to distinguish the claimed invention from the reference (Barnes). The phrase is in a conditional sense or in the alternative. The noted “if” step is not necessarily performed. Accordingly, and as in the method itself, once the positively recited steps are satisfied,

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the method as a whole is satisfied -- regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios.

Nonetheless, Barnes does not disclose the determining whether the user previously placed an order that is related to the product presented within the product detail page; and supplementing the product detail page with information about the related order for presentation to the user, whereby the server system reduces a likelihood that the user will place an unnecessary or undesirable or for the product. Barnes discloses all users can view status and history of orders and generate reports (col. 9, lines 49-50). Furthermore, Barnes discloses that it enables requisitioners to track the status of their orders at all times (see at least col. 24, lines 26-30).

Kenney, on the other hand, teaches the determining whether the user previously placed an order that is related to the product presented within the product detail page; and if the user placed such a related order, supplementing the product detail page with information about the related order for presentation to the user, whereby the server system reduces a likelihood that the user will place an unnecessary or undesirable or for the product. (see at least col. 3, line 62 - col. 4, line 24; col. 8, lines 34-40; col. 12, lines 50-54; col. 6, lines 34-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Barnes, to include the determination of a related order and the supplementing the page with information about a related order placed by the customer, as taught by Kenney, so as to make shopping

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more convenient to the shopper (Kenney col. 1, lines 39-40). Furthermore, it eases or enhances the shopping experience (Kenney col. 1, lines 60-62).

Regarding claims 47, the claim is rejected on the same grounds as claim 45 above.

Regarding claims 48-50, Kenney teaches wherein the information about the related order comprises an indication of whether the product represented within the product detail page is compatible with a product previously purchased by the user; wherein the information about the related order comprises an indication that the user has already purchased the product represented within the product detail page; wherein the information about the related product further comprises a link to a page containing detailed information about the order (see at least col. 3, line 62 – col. 4, line 24; col. 6, lines 50- 55; col.8, lines 51-55).

Regarding claim 51 (dependent on claim 27), Barnes substantially discloses the claimed invention, specifically, the web browser (see at least col. 7, lines 11-13; col. 7, lines 25-32), however, Barnes does not disclose determining whether the user has placed an order that is related to the product or product category selected by the user. Barnes discloses all users can view status and history of orders and generate reports (col. 9, lines 49-50). Furthermore, Barnes discloses that it enables requisitioners to track the status of their orders at all times (see at least col. 24, lines 26-30).

Kenney, on the other hand, teaches determining whether the user has placed an order that is related to the product or product category selected by the user (see at least col. 3, line 62 - col. 4, line 24; col. 8, lines 34-40; col. 12, lines 50-54; col. 6, lines 34-

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55). Furthermore, Kenney also teaches the web browser (col. 1, lines 11-13; col. 8, lines 58-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Barnes, to include the determination whether the user has placed an order that is related to the product or product category selected by the user, as taught by Kenney, so as to make shopping more convenient to the shopper (Kenney col. 1, lines 39-40). Furthermore, it eases or enhances the shopping experience (Kenney col. 1, lines 60-62).

Regarding claim 52 (dependent on claim 51), Kenney teaches wherein the server system supplements the page with information about a processing status of the related order (see at least col. 3, line 62 - col. 4, line 24; col. 8, lines 34-40; col. 12, lines 50-54; col. 6, lines 34-55).

Regarding claim 53, Barnes discloses a method of customizing pages of an electronic catalog for individual users, the method comprising:

- providing a server system that provides online access to an electronic catalog of items, and provides functionality for users to purchase items from the electronic catalog (see at least col. 3, lines 52-59; col. 6, lines 54-65; col. 7, lines 36-45; col. 10, lines 33-50; col. 19, lines 54-58; col. 23, lines 49-66);
- receiving, at the server system, a request for a page of the electronic catalog and provides an option to select an item for purchase, the request generated by a client program in response to selection of the subset by an online user for viewing (see at least).

However, Barnes does not disclose the displays of a subset of the items in the electronic catalog; in response to the request identifying a related order previous placed the user, and the related order being related to the subset; and returning the page of the electronic catalog, as supplemented with the information about the related order from the server system to the client program for presentation to the user. Barnes discloses Barnes discloses all users can view status and history of orders and generate reports (col. 9, lines 49-50). Furthermore, Barnes discloses that it enables requisitioners to track the status of their orders at all times (see at least col. 24, lines 26-30).

Kenney, on the other hand, teaches the display of a subset of the items in the electronic catalog; in response to the request identifying a related order previous placed the user, and the related order being related to the subset; and returning the page of the electronic catalog, as supplemented with the information about the related order from the server system to the client program for presentation to the user (see at least col. 3, line 62 - col. 4, line 24; col. 8, lines 34-40; col. 12, lines 50-54; col. 6, lines 34-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Barnes, to include a subset of the items; in response to the request identifying a related order previous placed the user, and the related order being related to the subset; and returning the page of the electronic catalog, as supplemented with the information about the related order from the server system to the client program for presentation to the user, as taught by Kenney, so as to make shopping more convenient to the shopper (Kenney col. 1, lines

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39-40). Furthermore, it eases or enhances the shopping experience (Kenney col. 1, lines 60-62).

Furthermore, the combination of Barnes and Kenney does not explicitly disclose the context-dependent information about related order being displayed without requiring the customers to explicitly request order history information. It was known at the time of the invention that merely providing an automatic means of displaying the context-dependent information of the order history to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply displaying the context-dependent information without requiring the customer to explicitly request gives you just what you would expect from the manual step as shown in the combination of Barnes and Kenney. In other words there is no enhancement found in the claim recited. The end result is the same as compared to the manual activity.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to automatically display the context-dependent information without requiring the customer to explicitly request since it has generally been recognized that merely providing an automatic means to replace a manual activity which accomplishes the same request is not sufficient to distinguish over the prior art.

Regarding claims 54-57 and 59-62, Kenney teaches wherein the supplementing page of the electronic catalog comprises supplementing the page with information about a current processing status of the related order; wherein the page is an item detail page for a first item selected by the online user for viewing, and the detail page provides an

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option to select the first item for purchase; wherein the related order is an order previously placed by the user for the first item; wherein the related order is a previous order placed by the for a second item that is related to the first item; wherein the page corresponds to an item category selected by the online user; wherein identifying a related order comprises identifying an order for an item that falls within the item category; wherein the page provides an option to initiate placement of an order for an item; and further comprising supplementing the page with information about at least one additional order that is related to the subset (see at least col. 3, line 62 - col. 4, line 24; col. 8, lines 34-40; col. 12, lines 50-54; col. 6, lines 34-55).

Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 5,970,475 to Barnes et al and U.S. Patent No. 6,026,376 to Kenney, as applied to claim 53 above, in further view of U.S. Patent No. 6,167,383 to Henson.

The combination of Barnes and Kenney substantially discloses the claimed invention, however, the combination does not disclose adding to the page a notification that an item represented therein is incompatible with a related item. The combination discloses related products available (Kenney col. 4, lines 1-6). Henson, on the other hand, teaches the adding to the page a notification that an item represented therein is incompatible with a related item (see at least col. 8, lines 11-33). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Barnes and Kenney, to include a notification that an item represented is incompatible with a related item, in order to warn the customer to the

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incompatibilities (Henson col. 8, lines 18-22), thus providing an accurate and reliable ordering system (Henson col. 2, lines 55-58).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot
August 23, 2004



Jeffrey A. Smith
Primary Examiner